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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,253	04/22/2004	Christophe Walravens	10458-20US SC/sm	7273
20/988 7590 04/23/2008 OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA				
EXAMINER				
BOES, TERENCE				
ART UNIT		PAPER NUMBER		
3682				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,253

Applicant(s)

WALRAVENS ET AL.

Examiner

TERENCE BOES

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/13/2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 5-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CIS)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 5-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Manaras et al. CA 2,112,350.

Manaras et al. disclose:

- A support structure (34, 34') supporting a shaft (18, 18')
- A driving member (20, 20') mounted to said shaft and axially displaceable
- wherein the driving member is operatively coupled to the closure (see abstract),
- a manual actuator (36, 36') fixedly mounted to the shaft in direct rotational driving engagement therewith (see figure 6 arrows showing pulley rotating with shaft)
- wherein said manual actuator is selectively fixedly mountable at either end portions of said shaft (36 is capable of being selectively fixedly mounted at either end portions of said shaft)
- wherein said manual actuator is structurally isolated from said driving member (see figure 6)

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- wherein said manual actuator includes a pulley (36 is a pulley) fixed to said shaft
- a biasing member (see spring between 34, 34' and 14, 14')
- wherein said biasing member includes a spring mounted about the shaft between the support and a collar (14) fixed on the shaft
- a cam engaging member (42)
- said cam engaging member being movable along a cam surface (54)
- wherein said cam is mounted to said shaft (see figures 1, 4, and 6)
- a clutch (28, 30, 20, 74, also pages 8-9 describe clutch operation)
- the cam being fixed to the shaft (see figure 3, pg 8/l 20, 21).
- wherein said clutch includes a spring blade (30) extending about the cam (spring blade is proximate cam)
- wherein said driving member includes a gear (20) fixedly mounted to said shaft
- wherein said cam engaging member is mounted to said gear (42 is mounted to gear 20 via shaft 18)
- wherein the shaft is mounted to a support (shaft is mounted to support 34 via pulley 36)
- wherein said shaft carries a cam () and a cam engaging member (42),

Regarding claims 15 and 16,

- a support (34),
- a shaft mounted to said support (18 is mounted to 34 via 36)

- a driving member (20) mounted to said shaft
- wherein the driving member is operatively coupled to the closure (see abstract)
- a manual actuator (36) connected in direct driving relationship with the shaft (Pg 8/L34-36)
- a cam (44) and a cam engaging member (42)
- one of said cam and said cam engaging member being fixed to the shaft (see figure 3)
- a clutch (28, 30, 20, 74, also pages 8-9 describe clutch operation)
- wherein said cam and said cam engaging member are mounted to said shaft independently of said manual actuator (see figure 4).

Response to Arguments

2. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.

3. Applicant argues "Manaras' pulley 36 is not fixedly mounted to shaft 18... Accordingly, it is false to pretend that the pulley 36 drives the shaft 18 in rotation while the shaft 18 is being slid axially in tube 16 in order to engage drive gear with driven gear 74. Indeed, according to Manaras, the rotation of the pulley 36 is first solely used to cause the roller 42 to roll on cam 44 which is fixed on shaft 18, thereby causing shaft 18 to be slid axially. During the axial movement, there is no rotation".

While the examiner agrees with applicant's assertion that "during the axial movement, there is not rotation", the examiner asserts that pulley 36 is in direct

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rotational driving engagement with shaft 18, when Manaras' first gear meshes with Manras' second gear connected to the output shaft of the motor which normally drives the closure, as stated in the abstract. In fact, applicant states this in the immediate remarks. Applicant states "Manaras' pulley 36 only becomes in rotational driving engagement with shaft 18 once the gear 26 disengages from finger 28". Thus, the examiner agrees that Manaras' pulley 36 is in rotational driving engagement with shaft 18, as claimed.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the pulley being directly connected to the shaft) are not recited in the rejected claim(s). Rather, applicants' claim language states "a manual actuator *fixedly mounted* to the shaft in direct rotational driving engagement". It is the rotational driving engagement which is direct, not the mounting of the driving member to the shaft, as applicant has implied. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. The examiner notes it appears applicant has chosen not to respond directly to the rejection of independent claim 15.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERENCE BOES whose telephone number is (571)272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. B./

Examiner, Art Unit 3682

4/15/08

/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3682